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SENATE

REPORT
101-525

ALLOWING A CERTAIN PARCEL OF LAND IN ROCKINGHAM COUNTY, VIRGINIA, TO BE USED AS A CHILD CARE CENTER

OCTOBER 11 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3888]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3888) to allow a certain parcel of land in Rockingham County, Virginia, to be used for a child care center, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 3888, as ordered reported, is to allow a 3-acre site of land in Rockingham County, VA, to be used for a child care center.

BACKGROUND AND NEED

In 1988, the Forest Service relinquished approximately 3 acres of land to Rockingham County, VA, subject to the requirement that it be used only for recreational purposes. The land had been used as a work station by the Forest Service and includes a maintenance garage and a service building.

The county would now like to be able to authorize a new, non-profit organization to use the former maintenance garage as the site of a day care facility that would be available for children of working parents. The intent of the organizers of this effort is to calculate fees on a sliding scale based on family income, with contributions solicited to enable the day care center to offer discounts to economically disadvantaged parents.

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The county cannot authorize the use of the lands conveyed to it for a child care center because of the restrictions in the terms of the transfer. H.R. 3888 would authorize the county to permit the use of the land for such purposes, subject to certain restrictions.

LEGISLATIVE HISTORY

H.R. 3888 passed the House of Representatives by a voice vote on July 10, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on September 26, 1990.

At the business meeting on October 10, 1990, the Senate Committee on Energy and Natural Resources ordered H.R. 3888 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 10, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 3888 as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin [1]	
Mr. Rockefeller [1]	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn	
Mr. McConnell	

[1] Indicates voted by proxy.

SUMMARY OF THE MEASURE

H.R. 3888 authorizes the County of Rockingham, VA to use the 3-acre parcel conveyed to it by the United States in 1988, for a child care center. Use of the land for such purposes must be confined to buildings in existence as of the date of enactment, and limitations are placed on the amount of open space within the site that can be fenced.

The parcel may only be used as a child care center which serves children regardless of religion, sex, race, disability, and which must be operated by a nonsectarian organization on a nonprofit basis. The county is also required to report on the use of the lands as a

child care center in biennial reports to the Secretary of the Interior. A reverter is also included which requires that if any of the provisions of this Act are violated the lands will revert back to the United States, as provided for in the conveyance agreement.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3888, an act to allow a certain parcel of land in Rockingham County, Virginia, to be used for a child care center, as ordered reported by the Senate Committee on Energy and Natural Resources on October 10, 1990. We estimate that no cost to either the federal government or to state and local governments would result from the enactment of this act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3888. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3888, as reported.

EXECUTIVE COMMUNICATIONS

On September 10, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3888. These reports had not been received at the time the report on H.R. 3888 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF WILLIAM C. WALTERS, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate this opportunity to provide your Subcommittee with the views of the Department of the Interior on this legislation.

We have no objection to the enactment of H.R. 3888.

H.R. 3888 would allow a 3-acre parcel of land in Rockingham County, Virginia, to be used as a child care center. The land in question, a former Federal surplus property, was transferred to the County in April 1989 by the Department of the Interior under the Federal Property and Administrative Services Act of 1949, as amended, public benefit discount program for use in perpetuity for park and recreation purposes. Under terms of the transfer, this property was to be used as a local park, and one building was to be upgraded for recreation.

In August 1989 Rockingham County and the Plains Area Daycare Committee requested our approval to remodel the 1800 square-foot building on the property and use it and a portion of the land as a child-care center. Since the property was transferred to the County only for park and recreation purposes, we could not, under the law authorizing the transfer, approve its use for other purposes.

As a general policy, we would normally oppose special legislation that would permit Federal surplus land transferred at no cost for recreation purposes to be used for a different purpose. We want to promote and foster park and recreation use, not curtail it. However, the use of this small building and a play yard for a child-care center will not destroy the open-space character of the land, and it will serve a public need that the County has indicated is important.

Technically a child-care center may not be recreation use, because the building and yard will not be open to the general public during the hours that the center is in operation. Nevertheless, the center is not inconsistent with recreation use in terms of its effect on the resource. Therefore, if the Congress determines that the center should be allowed on this property we would not object to it.

Mr. Chairman, under the Federal Property Act, surplus land transferred for park and recreation purposes must be used for those purposes or it reverts to the Federal Government. The National Park Service has the responsibility for assuring compliance with the reversionary provisions in the deed. Parks are our business, but child-care centers are not. We note that subsection 2(d) of the bill would require the County to furnish information on the child care center biannually not only to the National Park Service but to appropriate Federal and State officials who are concerned with laws governing child-care centers. We believe this provision is appropriate.

This concludes my prepared remarks, Mr. Chairman. I will be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3888, as reported.

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